1951 K **File No.** B. Irrigation | 51

Legal Deptt

B. **BRANCH**

Subject:— L. A. Bill No. XL of 1951

A Bill to amend the Bombay

Irrigation Act No. XIX of 1951

P.17
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File No. B Irrigation | 1951

Gen. 194 a

815-B

Legal Department.

As suggested by the Commissioners in their conference held in 1940 the object in view can be achieved by amending the Bombay Irrigation Act, 1879. There would be no legal objection to providing for the apportionment of costs between the Inamdar and the Government as proposed by the Commissioner, C.D., in his letter dated 17th April 1947. The A. and R.D. Departments should however consider whether the Inamdar should carry out the necessary repairs himself and then recover the proportionate costs from Government or Government should first carry them out and recover the proportionate cost from the Inamdar. If Government decides that the repairs should be carried out by the Inamdar, it would be necessary to provide for cases in which the Inamdar fails to carry out the repairs or fails to carry them out to the satisfaction of Government. Attention in this connection is invited to section 73 and 84 of the Bombay Irrigation Act, 1879. It is presumed that the tanks and bandharas in question will be declared second class irrigation works. A.R.D.D. should decide in consultation with P.W.D. and R.D. to what extent and on what lines the amendment of the Act would be necessary.

Sd./-
29/7
Additional Secretary to Government.

U.R. to Agriculture and Rural Development Department,
No. 7155, dated the 30th July, 1948.

SVV
22.6.56.
4 c.

Legal Department.

A draft of a Bill is sent herewith.

2. As distinguished from a flood embankment, it will be proper to style the bandharas as supply or storage embankments. The definition is for the approval of the Public Works Department and it should be considered wheter it is suitable. As it is agreed that such embankments will be declared to be second class irrigation works, necessary amendments have been made in Part X of the Irrigation Act. As the embankments will be for the purpose of impounding or diverting the waters of rivers and streams, it should be considered whether section 5 of the Irrigation Act which empowers Government to declare any river or streams connected with such embankments. As canals should not apply to rivers or streams

3. The Bill falls under Entry No. 19 in List II in the Seventh Schedule to the Government of India Act, 1935, and contains no provision which requires its reservation for the consideration of the Governor General. The Bill requires the Governor's recommendation under section 82(3) and also his previous sanction under section 299(3) of the said Act.

Sd./-
18/5
Additional Secretary to Govt.

U.R. to A.R.D.D., No. 5533; dated the 18th May, 1949.

SVV
22.6.56.
4 c.

Office of the R.L.A.

A requisite draft Bill is sent herewith embodying the proposals made in the Statement put up at pages 209 to 215 ante.

Section 48 and 48A: The amendments proposed are included in clauses 4 and 5 of the draft Bill. Consequential amendments are also included which are necessary in para 2 of section 48 and in section 67 (vide clause 6). In view of Chief Engineer's note dated 13rd December 1950 at pages 217-218 ante approved by Hon'ble Minister, Public Works Department, the Public Works Department may consider whether the amendments proposed in section 48 and new section 48A require any modification or are to be dropped.

Section 57(2): The section reproduced in column 3 of the Statement at pages 212 to 214 ante is the section as it stood before its revision by Bombay Act LXIV of 1948. The object in view to authorise Government to forfeit the land for failure to pay the water rates has already been achieved by section 56 as substituted by Bombay Act LXIV of 1948. The proposed amendment has not therefore been inclued in the draft Bill.

Sections 90 to 93: The whole of part XI of the Act containing these sections has been deleted by the Adaptation of Laws (Amendment) Order, 1950.

The subject-matter of the Bill falls under entry 17 in List II in the Seventh Schedule to the Constitution. The Bill does not required any sanction but requires the Governor's recommendation under article 207(3).

Sd./-
Remembrancer of Legal Affairs.

U.R. to P.W.D., No. 9687; dated the 20th June, 1951.

SVV
22.6.56.
4 c.

No. 177-L
Legal Department,
Council Hall, Poona, 17th September, 1951.

From

Shri J.R.Dhurandhar,
Secretary to Government of Bombay.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Irrigation (Amendment) Bill, 1951.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Irrigation (Amendment) Bill, 1951, which was read for the third time and passed by the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 27th August 1951 and the 1st September, 1951, respectively.

2. The subject-matter of the Bill falls under entries 17, 18 and 45 in List II in the Seventh Schedule to the Constitution of India. It is not necessary to reserve the Bill for the consideration of the President with reference to article 31(3) or 254(2) or any other article of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith one copy of each of the items

1. Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	Nos. 1, 2 and 4 and two copies of item No. 3 of the papers noted in the margin.
2. Bill as read for third time and passed by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	
3. Bill as read for the third time and passed by the Bombay Legislative Council.	
4. Extracts from the proceedings of the Bombay Legislative Assembly dated the 27th August 1951 and of the Bombay Legislative Council dated the 1st September, 1951.	

Bill was not referred to a Select Committee.

Yours faithfully,

Sd./-
15/9
Secretary to Government.

Through:
The Secretary to the Government of Bombay,
Public Works Department.

SVV
22.6.56.
4 c.

No. G. S. -2437.

From

THE SECRETARY TO THE GOVERNOR OF BOMBAY.

To

The Secretary to Government.

Legal Department.

Government House,

Ganeshkhind, Poona, 7;

September, 24, 1951.

Subject: The Bombay Irrigation(Amendment) Bill, 1951.

Sir,

With reference to your letter No. 177-L, dated September 17, 1951, I am directed to return herewith the authentic copy of the Bombay Irrigation (Amendment) Bill, 1951, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd./-
Secretary to the Governor of
Bombay.

SVV
22.6.56.
4 c.

ACTS.

Publication of the Bombay Irrigation (Amendment) Act, 1951.

GOVERNMENT OF BOMBAY.
Legal Department,
Resolution No. 217-L
Council Hall, Poona, 25th September, 1951.

Letter to the Secretary to the Governor, NO. 177-L, dated the 17th September, 1951.

Letter from the Secretary to the Governor, No. M.S. 2437, dated the 24th September, 1951.

"With reference to your letter No. 177-L, dated September, 17, 1951, I am directed to return herewith the authentic copy of the Bombay Irrigation (Amendment) Bill, 1951, with His Excellency the Governor's assent signified thereon."

RESOLUTION:- The law should be published as Bombay Act No. XXIX of 1951, in the Bombay Government Gazette dated the 26th September 9151.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Public Works Department.

By order of the Governor of Bombay,

Sd./- K.J.Pathare,
Assistant Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department and 10 copies to the Public Works Department).

SVV
22.6.56.
4 c.

Registered No. B-1

The

Bombay Government Gazette

PUBLISHED BY AUTHORITY

TUESDAY, 14TH AUGUST 1951.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XL OF 1951.

A Bill to amend the Bombay Irrigation Act, 1879.

Bom. VII of 1879.

WHEREAS it is expedient to amend the Bombay Irrigation Act, 1879, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Irrigation (Amendment) Act, 1951.

Amendment of section 3 of Bom. VII of 1879.

2. In section 3 of the Bombay Irrigation Act, 1879, hereinafter referred to as the said Act, after clause (4) the following clause shall be inserted, namely :— Bom. VII of 1879.

"(4A) 'bandhara' means any structure permanent or otherwise constructed or maintained for the purpose of impounding or diverting water of any river, stream, lake or any natural collection of water and includes any weirs, sluices, head walls, groins or any other works connected with such bandhara ;"

Insertion of new sections 25A and 25B in Bom. VII of 1879.

3. After section 25 of the said Act, the following heading and sections shall be inserted, namely :—

"BANDHARAS.

Obligation to repair bandharas situated in alienated lands and villages and talukdari villages.

25A. (*1*) Save as otherwise provided in sections 84 and 85, every holder of alienated land or village and every holder of the wanta portion in a talukdari village (hereinafter called "the holder") shall be bound to carry out all necessary repairs to any bandharas situated in his land or village or wanta, as the case may be, and to maintain them in a fit state of repairs to the satisfaction of the Collector.

(*2*) The expenses for any repairs to a bandhara made under the provisions of sub-section (*1*) shall be borne by the holder and the State Government as follows :—

(*i*) In the case of a bandhara which irrigates only land situated in a village or villages of which the revenue is shared between the holder and the State Government, the apportionment of expenses for repairs between the holder and the State Government shall be in the same proportion in which the revenue is shared by them.

(*ii*) In the case of a bandhara which irrigates land situated in any village or villages of which the revenue is shared between the holder and the State Government and also land situated in any unalienated village or villages, or which irrigates land situated in the wanta portion of a talukdari village and also other land in the said village the cost of repairs shall first be calculated in the prescribed manner having regard to the total area of land irrigated by the bandhara. The proportionate share of cost in respect of a village or villages of which the revenue is shared between the holder and the State Government shall then be worked out on the basis of the proportion which the area of land situated in such village or villages bears to the total area of land irrigated by the bandhara. The proportionate expenses in respect of land in such village or villages so arrived at shall be borne by the holder and the State Government as provided in clause (*i*) above.

(*3*) If any dispute arises as to the share or amount of expenses to be borne by the holder under this section or under section 25B, the matter shall be referred to the Collector whose decision shall be final.

Execution of repairs to bandhara if holder fails to carry out the same.

25B. If the holder fails to fulfil the obligation imposed upon him by section 25A, the Collector may require him by notice to execute the necessary repairs within a period to be prescribed in such notice, of not less than fifteen days, and, in the event of failure, may execute the same on his behalf. The holder shall be liable to pay the expenses incurred in the execution of repairs to such extent as the Collector having regard to the provisions of sub-section (*2*) of section 25A may determine. In the event of any default made by the holder in payment of any sum due from him, on account of such expenses, it shall be recovered from him as an arrear of land revenue."

4. After section 48 of the said Act, the following section shall be inserted, namely :— Insertion of new section 48A in Bom. VII of 1879.

"48A. (*1*) If it shall appear to a Canal Officer duly empowered to enforce the provisions of this section, that any natural stream, artificial drain or well sunk within two hundred yards of any canal is deriving percolation water from such canal, and the water from such stream, drain or well is used for purposes other than those of irrigation, he may charge for use of such water a water rate not exceeding that as would ordinarily have been charged if the supply had been made from the canal for such purposes. Levy of water rate for use of percolation water for non-irrigation purposes.

(*2*) The provisions of sub-section (*1*) shall not apply to water from such stream, drain or well used exclusively for domestic purposes by the residents of any village."

5. In section 67 of the said Act, for the word and figures "and 48" the figures, word and letter ", 48 and 48A" shall be substituted. Amendment of section 67 of Bom. VII of 1879.

6. In section 70 of the said Act, after clause (*d*) the following clause shall be inserted, namely :— Amendment of section 70 of Bom. VII of 1879.

"(*dd*) the manner in which the cost of repairs shall be calculated under sub-section (*2*) of section 25A ;"

7. In section 73 of the said Act,— Amendment of section 73 of Bom. VI of 1879.

(*1*) in clause (*a*) of sub-section (*1*), after the words "natural or artificial," the words "or bandhara," shall be inserted ;

(*2*) in sub-section (*3*), for the words "or reservoir" the words ", reservoir or bandhara," shall be substituted.

8. In section 75 of the said Act, in sub-section (*1*),— Amendment of section 75 of Bom. VII of 1879.

(*1*) after the figure "4," the figure "5," shall be inserted ;

(*2*) after the figures "24," the figures and letters "25A, 25B," shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

This Bill is mainly intended to remove difficulties in the working of the present provisions of the Bombay Irrigation Act, 1879, and to remove certain anomalies which have come to notice. The following notes on clauses of the Bill explain the amendments contained therein.

Clause 2.—It defines a "bandhara".

Clause 3.—It is noticed that the bandharas which are to be maintained in a state of repairs by the Inamdars concerned are, in many cases, seriously damaged or are not maintained properly. The clause is designed to make the Inamdars responsible

for proper state of repairs to the bandharas, particularly in view of the present food shortage and consequent necessity for an all out effort to expand irrigation facilities to the maximum limit.

In the case of bandharas situated in Sharkati Dumala Villages where revenue of the village, including water assessment, is shared both by Government and the Inamdar, the cost of repairs to the bandhara is entirely borne by Government alone and is not shared by the Inamdar. This is not fair and it is, therefore, proposed that the Inamdars should contribute their quota towards the cost incurred by Government on the maintenance and repairs of these bandharas.

Clause 4.—Although Government has liberalised the use of percolation water for irrigational purposes, the use of percolation water for non-irrigational purposes should not go unassessed. The proposed clause seeks to provide for the levy of water rates on use of percolation water for non-irrigational purposes from a source within two hundred yards of the canal.

Clauses 5, 6, 7 and 8.—are only consequential amendments to the sections concerned.

Dated the 11th August 1951. (Signed) JIVRAJ N. MEHTA.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 14h August 1951.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XL OF 1951.

A Bill to amend the Bombay Irrigation Act, 1879.

(As read for the third time and passed by the Legislative Assembly on the 27th August 1951.)

Bom. VII of 1879.

WHEREAS it is expedient to amend the Bombay Irrigation Act, 1879, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Irrigation (Amendment) Act, 1951.

MO-VI Bk Hb 176—1

Amendment of section 3 of Bom. VII of 1879.

2. In section 3 of the Bombay Irrigation Act, 1879, hereinafter referred to as the said Act, after clause (4) the following clause shall be inserted, namely :— Bom. VII o 1879.

"(4A) 'bandhara' means any structure permanent or otherwise constructed or maintained for the purpose of impounding or diverting water of any river, stream, lake or any natural collection of water and includes any weirs, sluices, head walls, groins or any other works connected with such bandhara ;"

Insertion of new sections 25A and 25B in Bom. VII of 1879.

3. After section 25 of the said Act, the following heading and sections shall be inserted, namely :—

"BANDHARAS.

Obligation to repair bandharas situated in alienated lands and villages and talukdari villages.

25A. (*1*) Save as otherwise provided in sections 84 and 85, every holder of alienated land or village and every holder of the wanta portion in a talukdari village (hereinafter called "the holder") shall be bound to carry out all necessary repairs to any bandharas situated in his land or village or wanta, as the case may be, and to maintain them in a fit state of repairs to the satisfaction of the Collector.

(*2*) The expenses for any repairs to a bandhara made under the provisions of sub-section (*1*) shall be borne by the holder and the State Government as follows :—

(*i*) In the case of a bandhara which irrigates only land situated in a village or villages of which the revenue is shared between the holder and the State Government, the apportionment of expenses for repairs between the holder and the State Government shall be in the same proportion in which the revenue is shared by them.

(*ii*) In the case of a bandhara which irrigates land situated in any village or villages of which the revenue is shared between the holder and the State Government and also land situated in any unalienated village or villages, or which irrigates land situated in the wanta portion of a talukdari village and also other land in the said village the cost of repairs shall first be calculated in the prescribed manner having regard to the total area of land irrigated by the bandhara. The proportionate share of cost in respect of a village or villages of which the revenue is shared between the holder and the State Government shall then be worked out on the basis of the proportion which the area of land situated in such village or villages bears to the total area of land irrigated by the bandhara. The proportionate expenses in respect of land in such village or villages so arrived at shall be borne by the holder and the State Government as provided in clause (*i*) above.

(*3*) If any dispute arises as to the share or amount of expenses to be borne by the holder under this section or under section 25B, the matter shall be referred to the Collector whose decision shall be final.

Execution of repairs to bandhara if holder fails to carry out the same.

25B. If the holder fails to fulfil the obligation imposed upon him by section 25A, the Collector may require him by notice to execute the necessary repairs within a period to be prescribed in such notice, of not less than fifteen days, and, in the event of failure, may execute the same on his behalf. The holder shall be liable to pay the expenses incurred in the execution of repairs to such extent as the Collector having regard to the provisions of sub-section (*2*) of section 25A may determine. In the event of any default made by the holder in payment of any sum due from him, on account of such expenses, it shall be recovered from him as an arrear of land revenue."

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4. After section 48 of the said Act, the following section shall be inserted, namely :— Insertion of new section 48A in Bom. VII of 1879.

"48A. (*1*) If it shall appear to a Canal Officer duly empowered to enforce the provisions of this section, that any natural stream, artificial drain or well sunk within two hundred yards of any canal is deriving percolation water from such canal, and the water from such stream, drain or well is used for purposes other than those of irrigation, he may charge for use of such water a water rate not exceeding that as would ordinarily have been charged if the supply had been made from the canal for such purposes. Levy of water rate for use of percolation water for non-irrigation purposes.

(*2*) The provisions of sub-section (*1*) shall not apply to water from such stream, drain or well used exclusively for domestic purposes by the residents of any village."

5. In section 67 of the said Act, for the word and figures "and 48" the figures, word and letter ", 48 and 48A" shall be substituted. Amendment of section 67 of Bom. VII of 1879.

6. In section 70 of the said Act, after clause (*d*) the following clause shall be inserted, namely :— Amendment of section 70 of Bom. VII of 1879.

"(*dd*) the manner in which the cost of repairs shall be calculated under sub-section (*2*) of section 25A;"

7. In section 73 of the said Act,—

(*1*) in clause (*a*) of sub-section (*1*), after the words "natural or artificial," the words "or bandhara," shall be inserted; Amendment of section 73 of Bom. II of 1879.

(*2*) in sub-section (*3*), for the words "or reservoir" the words ", reservoir or bandhara," shall be substituted.

8. In section 75 of the said Act, in sub-section (*1*),— Amendment of section 75 of Bom. VII of 1879.

(*1*) after the figure "4," the figure "5," shall be inserted;

(*2*) after the figures "24," the figures and letters "25A, 25B," shall be inserted.

STATEMENT OF OBJECTS AND REASONS.

This Bill is mainly intended to remove difficulties in the working of the present provisions of the Bombay Irrigation Act, 1879, and to remove certain anomalies which have come to notice. The following notes on clauses of the Bill explain the amendments contained therein.

Clause 2.—It defines a "bandhara".

Clause 3.—It is noticed that the bandharas which are to be maintained in a state of repairs by the Inamdars concerned are, in many cases, seriously damaged or are not maintained properly. The clause is designed to make the Inamdars responsible for proper state of repairs to the bandharas, particularly in view of the present food shortage and consequent necessity for an all out effort to expand irrigation facilities to the maximum limit.

In the case of bandharas situated in Sharkati Dumala Villages where revenue of the village, including water assessment, is shared both by Government and the Inamdar, the cost of repairs to the bandhara is entirely borne by Government alone and is not shared by the Inamdar. This is not fair and it is, therefore, proposed that the Inamdars should contribute their quota towards the cost incurred by Government on the maintenance and repairs of these bandharas.

Clause 4.—Although Government has liberalised the use of percolation water for irrigational purposes, the use of percolation water for non-irrigational purposes should not go unassessed. The proposed clause seeks to provide for the levy of water rates on use of percolation water for non-irrigational purposes from a source within two hundred yards of the canal.

Clauses 5, 6, 7 and 8.—are only consequential amendments to the sections concerned.

Dated the 11th August 1951. JIVRAJ N. MEHTA.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XL OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 27th August 1951.)

A Bill to amend the Bombay Irrigation Act, 1879.

[Dr. JIVRAJ N. MEHTA, M.L.A.]

MO-1
BOMB

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L. A. BILL No. XL OF 1951.

A Bill to amend the Bombay Irrigation Act, 1879.

(As read for the third time and passed by the Legislative Assembly on the 27th August 1951.)

(As read for the third time and passed by the Legislative Council on the 1st September 1951.)

Bom. VII of 1879.

WHEREAS it is expedient to amend the Bombay Irrigation Act, 1879, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Irrigation (Amendment) Act, 1951.

MO-III Bk Hb 197—1

Amendment of section 3 of Bom. VII of 1879.

2. In section 3 of the Bombay Irrigation Act, 1879, hereinafter referred to as the said Act, after clause (4) the following clause shall be inserted, namely :— Bom. VII of 1879.

"(4A) 'bandhara' means any structure permanent or otherwise constructed or maintained for the purpose of impounding or diverting water of any river, stream, lake or any natural collection of water and includes any weirs, sluices, head walls, groins or any other works connected with such bandhara ;"

Insertion of new sections 25A and 25B in Bom. VII of 1879.

3. After section 25 of the said Act, the following heading and sections shall be inserted, namely :—

"BANDHARAS.

Obligation to repair bandharas situated in alienated lands and villages and talukdari villages.

25A. (*1*) Save as otherwise provided in sections 84 and 85, every holder of alienated land or village and every holder of the wanta portion in a talukdari village (hereinafter called "the holder") shall be bound to carry out all necessary repairs to any bandharas situated in his land or village or wanta, as the case may be, and to maintain them in a fit state of repairs to the satisfaction of the Collector.

(*2*) The expenses for any repairs to a bandhara made under the provisions of sub-section (*1*) shall be borne by the holder and the State Government as follows :—

(*i*) In the case of a bandhara which irrigates only land situated in a village or villages of which the revenue is shared between the holder and the State Government, the apportionment of expenses for repairs between the holder and the State Government shall be in the same proportion in which the revenue is shared by them.

(*ii*) In the case of a bandhara which irrigates land situated in any village or villages of which the revenue is shared between the holder and the State Government and also land situated in any unalienated village or villages, or which irrigates land situated in the wanta portion of a talukdari village and also other land in the said village the cost of repairs shall first be calculated in the prescribed manner having regard to the total area of land irrigated by the bandhara. The proportionate share of cost in respect of a village or villages of which the revenue is shared between the holder and the State Government shall then be worked out on the basis of the proportion which the area of land situated in such village or villages bears to the total area of land irrigated by the bandhara. The proportionate expenses in respect of land in such village or villages so arrived at shall be borne by the holder and the State Government as provided in clause (*i*) above.

(*3*) If any dispute arises as to the share or amount of expenses to be borne by the holder under this section or under section 25B, the matter shall be referred to the Collector whose decision shall be final.

Execution of repairs to bandhara if holder fails to carry out the same.

25B. If the holder fails to fulfil the obligation imposed upon him by section 25A, the Collector may require him by notice to execute the necessary repairs within a period to be prescribed in such notice, of not less than fifteen days, and, in the event of failure, may execute the same on his behalf. The holder shall be liable to pay the expenses incurred in the execution of repairs to such extent as the Collector having regard to the provisions of sub-section (*2*) of section 25A may determine. In the event of any default made by the holder in payment of any sum due from him, on account of such expenses, it shall be recovered from him as an arrear of land revenue."

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4. After section 48 of the said Act, the following section shall be inserted, namely :— Insertion of new section 48A in Bom. VII of 1879.

"48A. (*1*) If it shall appear to a Canal Officer duly empowered to enforce the provisions of this section, that any natural stream, artificial drain or well sunk within two hundred yards of any canal is deriving percolation water from such canal, and the water from such stream, drain or well is used for purposes other than those of irrigation, he may charge for use of such water a water rate not exceeding that as would ordinarily have been charged if the supply had been made from the canal for such purposes. Levy of water rate for use of percolation water for non-irrigation purposes.

(*2*) The provisions of sub-section (*1*) shall not apply to water from such stream, drain or well used exclusively for domestic purposes by the residents of any village."

5. In section 67 of the said Act, for the word and figures "and 48" the figures, word and letter ", 48 and 48A" shall be substituted. Amendment of section 67 of Bom. VII of 1879.

6. In section 70 of the said Act, after clause (*d*) the following clause shall be inserted, namely :— Amendment of section 70 of Bom. VII of 1879.

"(*dd*) the manner in which the cost of repairs shall be calculated under sub-section (*2*) of section 25A ;"

7. In section 73 of the said Act,—

(*1*) in clause (*a*) of sub-section (*1*), after the words "natural or artificial," the words "or bandhara," shall be inserted ; Amendment of section 73 of Bom. VII of 1879.

(*2*) in sub-section (*3*), for the words "or reservoir" the words ", reservoir or bandhara," shall be substituted.

8. In section 75 of the said Act, in sub-section (*1*),— Amendment of section 75 of Bom. VII of 1879.

(*1*) after the figure "4," the figure "5," shall be inserted ;

(*2*) after the figures "24," the figures and letters "25A, 25B," shall be inserted.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XL OF 1951.]

(As read for the third time and passed by the Legislative Assembly on the 27th August 1951.)

(As read for the third time and passed by the Legislative Council on the 1st September 1951.)

A Bill to amend the Bombay Irrigation Act, 1879.

[Dr. Jivraj N. Mehta, M.L.A.]

MO-III Bk Hb 197—2

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.